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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,897	02/02/2001	James J. Fallon	8011-10	8168
7590	12/24/2003		EXAMINER	
Frank Chau, Esq. F. CHAU & ASSOCIATES, LLP Suite 501 1900 Hempstead Turnpike East Meadow, NY 11554			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	
			DATE MAILED: 12/24/2003	
				2

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/775,897	FALLON, JAMES J.
	Examiner Chun Cao	Art Unit 2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 February 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) 24-31 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-31 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Provino et al. (Provino), US patent no. 5,355,498.

As per claim 1, Provino teaches a method for initializing a computer system [fig. 8], comprising the steps of:

sensing a command signal to boot the computer system [col. 9, lines 43-46];  
generating a first control signal to initialize a boot process [col. 9, lines 43-46];  
generating a second control signal to initialize a programmable logic device prior to completion of the initialization of the boot process [col. 8, lines 24-30; col. 9, lines 50-54]; and  
booting the computer system using the initialized programmable logic device [col. 9, lines 61-68].

As per claim 2, Provino teaches that the second control signal causes the programmable logic device to self-load logic code from a memory device [col. 6, lines 5-14; col. 8, lines 23-28].

As per claim 3, Provino teaches that the second control signal causes a logic device to load logic code into the programmable logic device [col. 6, lines 5-14; col. 8, lines 23-28].

As to claims 8-10, Provino teaches the claimed method of steps of claims 1-3. Therefore, Provino teaches the claimed machine readable medium for carrying out the method of steps.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-7 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provino et al. (Provino), US patent no. 5,355,498 in view of Applicant Admitted Prior Art (AAPA).

As per claims 4 and 11, Provino fails to teach of sensing power to ensure power stability.

AAPA teaches of sensing power to ensure power stability [page 4, lines 15-18].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Provino and AAPA because AAPA teaches of sensing power which would improve the reliability of Provino's system by ensuring power stability of the system.

As per claim 5, inherently, Provino teaches of managing the boot process by a boot management circuit [30, fig. 4; col. 6, lines 4-12].

As to claims 6-7 and 12-13, AAPA teaches of generating a control signal to indicate the type of boot process command, such as a cold boot or a warm boot [figures 2a-2e; page 3, lines 5-9; page 4, lines 3-13].

As to claims 14-18, Provino and AAPA together teach the claimed method of steps of claims 1-7. Therefore, Provino and AAPA together teach the claimed circuit for carrying out the method of steps.

As to claims 19-23, Provino and AAPA together teach the claimed method of steps of claims 1-7. Therefore, Provino and AAPA together teach the claimed system for carrying out the method of steps.

***Allowable Subject Matter***

7. Claims 24-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stewart, US patent no. 6,539,456, teaches that a boot program stored on a boot disk is cached in a nonvolatile memory, and retrieved by the system from the cache during the boot sequence instead of from the boot disk [col. 1, lines 30-34; col. 3, lines 20-35].

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be

Art Unit: 2185

reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit are followings: After-Final (703) 746-7238; Official (703) 746-7239; Non-Official (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)306-5631.



Chun Cao

Dec. 15, 2003